

**REMARKS/ARGUMENTS**

1. In the above referenced Office Action, the Examiner rejected claims 1-3, 5-13, 15-21, 23-31 & 33-36 under 35 USC § 103 (a) as being unpatentable over Diefes (U.S. Patent No. 6,067,440) in view of Yu (U.S. Patent No. 5,561,456). In addition, the Examiner rejected claims 4, 14, 22 and 32, under 35 USC § 103 (a) as being unpatentable over Diefes (U.S. Patent No. 6,067,440) in view of Yu (U.S. Patent No. 5,561,456) and further in view of Russell (U.S. Patent No. 4,890,322).

Claims 1-36 are currently pending in the present application. Claims 1, 12, 19 and 30 have been amended in order to advance the prosecution of the present application. Applicant does not surrender the subject matter of the original claims and expressly provides notice to the public and reserves the right to file additional broader claims in one or more continuing applications. The rejections referenced above have been traversed and, as such, the applicant respectfully requests reconsideration of the allowability of claims 1-36.

2. Claims 1-3, 5-13, 15-21, 23-31 & 33-36 were rejected under 35 USC § 103 (a) as being unpatentable over Diefes (U.S. Patent No. 6,067,440) in view of Yu (U.S. Patent No. 5,561,456). Claims 1 has been amended to recite that

receiving a client request for a multimedia system service from one of a plurality of clients, the multimedia service having one of a plurality of service types;

and,

when the multimedia system has the sufficient resources to fulfill the client request,

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allocating at least some of the sufficient resources to fulfill the client request based on a multimedia system resource allocation procedure that are determined based on the one of the plurality of service types.

Neither Diefes or Yu discloses receiving a request for a multimedia service that may be one of a plurality of service types and a resource allocation procedure that allocates resources to fulfill the client request based on the particular service type.

For this reason, Applicant believes that claim 1, and claims 2-11 that depend therefrom, are patentably distinct from the prior art.

In additional claim 12 has been amended to recite,

receiving a client request for a multimedia service from one of a plurality of clients, the multimedia service having a service type;

and,

when the multimedia system has the sufficient resources to fulfill the client request, allocating best match resources of the sufficient resources to fulfill the client request that are determined based on the service type.

Also, claim 30 has been amended to recite,

receive a client request for a multimedia service from one of a plurality of clients, the multimedia service having one of a plurality of service types;

and,

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when the multimedia system has the sufficient resources to fulfill the client request, allocate best match resources of the sufficient resources to fulfill the client request that are determined based on the one of the plurality of service types.

For similar reasons as set forth in the discussion of claim 1, Applicant believes that claims 12 and 30, and claims 13-18 and 31-36 that depend therefrom are patentably distinct from the prior art.

3. As discussed above, claim 19 was also rejected based on the combination of Diefes and Yu. Claim 19 has been amended to recite,

determine whether the client request is valid for the one of the plurality of clients, based on control limits set by a user of the multimedia system.

While Diefes discloses a security system that determines if playback of a video should be interrupted based on whether the cable provider has granted the subscriber rights to access a particular channel, such as a premium channel -- this determination is not made, based on control limits set by a user of the multimedia system. Diefes is attempting to control theft of the service providers video programming, not with implementing controls self-determined and implemented by the user.

For this reason, Applicant believes that claim 19 and claims 20-29 that depend therefrom are patentably distinct from the prior art.

4. Claims 6 and 24 were also rejected based on the combination of Diefes and Yu. In particular, the Examiner cites Yu as "querying one of the plurality of clients to select alternative multimedia service". Examiner states the following explanation:

Yu teaches that the scheduler can inform the user of an estimated wait time for a particular movie. Viewers in Yu have the option of joining a H-queue, i.e., 'hot list' or C-queue, i.e. cold-list.

Applicant respectfully disagrees. First of all, the H-queue and the C-queue are not alternative multimedia services. These are separate holding queues of the same multimedia service that are designed to allow subscriber requests for the same movie to be aggregated. Secondly, it is the scheduler of Yu's system that determines if the customer request goes in the H-queue or the C-queue, not the subscriber. (see col. 5, lines 51-61).

Examiner has further indicated that he believes that, it is inherent that the instant viewer is enabled to request another movie, since Yu is directed to a VOD system . . . ." However, Applicant again points out that neither Yu nor Diefes teaches actively querying one of the plurality of clients to select an alternative multimedia service, when the multimedia system determines it does not have sufficient resources for the particular service, but has resources to fulfill an alternative service. This is simply beyond the scope of both Yu and Diefes.

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For this reason, Applicant believes that claims 6 and 24 are patentably distinct from the prior art.

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For the foregoing reasons, the applicant believes that claims 1-36 are in condition for allowance and respectfully request that they be passed to allowance.

The Examiner is invited to contact the undersigned by telephone or facsimile if the Examiner believes that such a communication would advance the prosecution of the present invention.

The amendment and response is filed in conjunction with a Request for Continuing Examination (RCE). The Commissioner is authorized to charge any additional fees that are required or credit any overpayment to Deposit Account No. 50-2126.

RESPECTFULLY SUBMITTED,

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